

(1) Fourteenth Account and Report of Conservator and Petition for Settlement
Thereof and (2) for Allowance of Attorneys Fees (Prob. C. 2620)

Age: 84		MARY J. FERGUSON , Sister and Conservator of the Person and Estate, is Petitioner. Account period: 2-12-09 through 6-15-11 Accounting: \$ 111,741.28 Beginning POH: \$ 63,858.57 Ending POH: \$ 77,833.12 Conservator: Waived Attorney: \$1,000.00 (Per Local Rule) Petitioner prays for an Order approving, allowing and settling the 14 th account, and authorizing payment of attorney's fees.	NEEDS/PROBLEMS/COMMENTS:
DOB: 3-15-27			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	2620(c)		Reviewed by: skc Reviewed on: 11-30-11 Updates: Recommendation: SUBMITTED File 1 - Ferguson
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Report of Sale and Petition for Order Confirming Sale of Real Property (Prob. C. 2540, 10308)

DOD: 4/5/08			JOSEPH GOLDING is Executor/Petitioner. Sale Price - \$90,000.00 Overbid - \$95,000.00 Reappraisal - \$95,000.00 Property - 1173 S. Klein Reedley, CA Publication - <u>need</u> Buyers - Dale Fudge and Lucy Biggs Broker - \$5,400.00 (6% - \$2,700.00 payable to Guarantee Real Estate and \$2,700.00 payable to Keller Williams Realty, Tulare) <i>[Note: Petitioner is sole heir and waived bond at time of appointment as personal representative.]</i>	NEEDS/PROBLEMS/COMMENTS: Continued from 10/19/11. <u>As of 11/30/11, The following issues remain:</u> 1. Need <i>Notice of Hearing</i> and proof of service showing service of the <i>Notice of Hearing</i> and <i>Petition</i> on parties entitled to notice pursuant to PrC10308(c): a. Dale Fudge and Lucy Biggs (purchasers) 2. Need Publication pursuant to PrC §10300.
Cont. from 101911				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.			
✓	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters	3/5/09		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
✓	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: NRN
Reviewed on: 11/30/11
Updates: 11/30/11
Recommendation:
File 2 - Golden

3 William James Williams (Estate)

Case No. 09CEPR00276

Atty Belardinelli, Richard A. (for Kim Pastenieks, former Executor)

Atty Teixeira, J. Stanley (former Special Administrator and attorney for Chizuko Williams, Mother)

Atty Kruthers, Heather H (for the Public Administrator, Administrator – Petitioner)

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600; 11850(a)]

DOD: 12/20/08			PUBLIC ADMINISTRATOR , is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			Account Period: 7/29/10 – 10/21/11	
	Aff.Sub.Wit.		Accounting \$50,500.00	
✓	Verified		Beginning POH \$50,000.00	
✓	Inventory		Ending POH \$28,981.00	
✓	PTC		(all cash)	
✓	Not.Cred.		Administrator \$1,940.00	
✓	Notice of Hrg		(statutory)	
✓	Aff.Mail	w	Administrator's x/o fees \$248.00	
	Aff.Pub.		(1 deputy hour @ \$96/hr and 2 probate assistant hours at \$76/hr)	
✓	Sp.Ntc.		Attorney \$1,940.00	
	Pers.Serv.		(statutory)	
	Conf. Screen		Former Special Administrator (Attorney Teixeira) \$1,425.00	
	Letters	8/18/10	(per itemization attached to Petition as Exh. B; Attorney takes less)	
	Duties/Supp			
	Objections		Costs (Attorney Teixeira) \$487.50	
	Video Receipt		Closing Reserve \$1,000.00	
	CI Report		Bond Fee \$126.25 (o.k.)	
✓	9202			
✓	Order			
	Aff. Posting		Distribution, pursuant to Decedent's Will, is as follows:	
	Status Rpt		Kim Pastenieks: \$5,354.82	
	UCCJEA		Kelsey Lynn Pastenieks: \$5,354.81	
	Citation		Justin Pastenieks: \$5,354.81	
	FTB Notice		Shannon Mosier: \$5,354.81	
				Reviewed by: NRN
				Reviewed on: 11/30/11
				Updates:
				Recommendation:
				File 3C - Williams

Atty Smith, Jane T., of County Counsel's Office (for Petitioner Public Guardian)
 Atty Knudson, David N., sole practitioner (Court-appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 70 years		<p align="center">NO TEMPORARY REQUESTED</p> <p>PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person, with medical consent and dementia powers to administer dementia medications.</p> <p><i>Capacity Declaration</i> filed 10/31/2011 of Norman Hendricksen, Ph.D., supports request for dementia powers and medical consent powers.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Proposed Conservatee is currently on Conservatorship of the Estate with the Public Guardian as Conservator; Proposed Conservatee has a lengthy history of mental illness and was previously on an LPS Conservatorship of the Person until 10/1/2009; Proposed Conservatee suffers from multiple medical problems and uses either a wheelchair or walker; A Capacity Declaration completed 8/16/2011 shows the proposed Conservatee now suffers from dementia in addition to paranoid schizophrenia, with decreased judgment and comprehension, and that his decreased insight into his mental illness causes him to stop taking his antipsychotic medication when not supervised; Since being discharged from LPS Conservatorship in 10/2009, the proposed Conservatee has lived alone in his home with minimal help through the In Home Supportive Services (IHSS) program; despite the support of his Estate Conservator and IHSS, the proposed Conservatee has become increasingly unable to provide for himself, and has exhibited symptoms of general confusion, failure to take medications, problems getting around in his two-story residence, and a greater inability to provide for all of his needs; Proposed Conservatee had exhibited several recent incidences of mental instability, and following being taken to the hospital by the Public Guardian Deputy was admitted on 7/11/2011 to Community Subacute Care Center; [per Post-Move Notice filed 11/17/2011, he has been moved to Avalon Care Center;] No family members are willing or able to become Conservator of the proposed Conservatee, and Petitioner seeks appointment as Conservator of the Person with medical and dementia powers for psychiatric medication to ensure his medical and personal needs are continuously met. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Proposed order and letters submitted for this <i>Petition</i> should indicate "Amended" and should be marked to grant Conservatorship of the Person <u>and</u> Estate to the Public Guardian, which will then supersede the <i>Order and Letters</i> previously issued on 9/10/2009 for the Estate only. Need revised proposed order and letters.</p> <p>Note: Court Investigator Julie Negrete to provide CI Report and Advisement of Rights.</p>	
DOB: 12/27/1940				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W/
	Conf. Screen			
	Aff. Posting			
	Duties/S			
	Objections			
	Video Receipt			
	CI Report			X
✓	PG Report			
✓	Order			
✓	Letters			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for (3) Distribution [Prob. C. 9202, 10800, 10810, 10951, 11600, 11850(a)]

DOD: 10-20-09			PUBLIC GUARDIAN , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Account period: 11-23-09 through 9-30-11	
			Accounting: \$ 208,224.24	
			Beginning POH: \$ 203,479.44	
			Ending POH: \$ 160,099.09	
			Administrator (Statutory): \$6,256.73	
			Administrator (Extraordinary): \$1,248.00	
	Aff.Sub.Wit.		• \$1,000.00 per Local Rule for sale of real property	
✓	Verified		• \$248.00 for preparation of tax returns (1 Deputy hour @ \$96.00/hr and 2 Staff hours @ \$76.00/hr)	
✓	Inventory			
✓	PTC		Attorney: (Statutory): \$6,256.73	
✓	Not.Cred.		Costs: \$775.50 (filing fees, certified letters)	
✓	Notice of Hrg		Bond Fee: \$1,041.12 (ok)	
✓	Aff.Mail	W	Closing: \$1,000.00	
	Aff.Pub.		Distribution pursuant to intestate succession:	
	Sp.Ntc.		• Shirley Balcom \$28,704.20	
	Pers.Serv.		• Carol Stinson \$28,704.20	
	Conf. Screen		• Donald Baker \$28,704.20	
✓	Letters	6-11-10	• Holly Baker Web \$28,704.20	
	Duties/Supp		• Howard Paul Baker \$9,568.07	
	Objections		• Maurice Baker \$9,568.07	
	Video Receipt		• Mary Beth Baker (Watts) \$9,568.07	
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
				Reviewed by: skc
				Reviewed on: 11-30-11
				Updates:
				Recommendation:
				File 5 - Baker

(1) First and Final Account and Report of Executor Shari Leibold and (2) Petition for Its Settlement, and (3) Allowance of Compensation to Executor and Attorneys for Ordinary Services and for (4) Final Distribution (Probate Code 10800, 10810, 10951 & 11640)

DOD: 9-22-10			SHARI LEIBOLD , Sister and Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Account period: 4-4-11 through 9-30-11	
	Aff.Sub.Wit.		Accounting: \$ 74,498.76	
✓	Verified		Beginning POH: \$ 71,508.76	
✓	Inventory		Ending POH: \$ 61,043.76	
✓	PTC			
✓	Not.Cred.		Executor (Statutory): \$2,621.15	
✓	Notice of Hrg			
✓	Aff.Mail	W	Attorney (Statutory): \$2,621.15	
	Aff.Pub.			
	Sp.Ntc.		Costs: \$444.00 (Filing fees, certified copies)	
	Pers.Serv.		(Reimburse to Petitioner)	
	Conf. Screen			
✓	Letters	4-4-11	Distribution pursuant to Decedent's will:	
	Duties/Supp		Shari Leibold: \$18,452.48	
	Objections		James L. Todd: \$18,452.49	
	Video Receipt		Timothy Todd: \$18,452.49	
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
				Reviewed by: skc
				Reviewed on: 11-30-11
				Updates:
				Recommendation: SUBMITTED
				File 6 - Todd

Age: 81
DOB: 05/28/30

Cont. from 101711,
102611, 110211

Aff.Sub.Wit.

Verified

Inventory

x

PTC

Not.Cred.

Notice of
Hrg

Aff.Mail

Aff.Pub.

Sp.Ntc.

Pers.Serv.

Conf. Screen

Letters

Duties/Supp

Objections

Video
Receipt

CI Report

9202

Order

Aff. Posting

Status Rpt

UCCJEA

Citation

FTB Notice

CAROL LOPEZ, daughter, was appointed Conservator of the Person and Estate 02/09/11 and Letters were issued on 04/27/11.

Notice of Status Hearing filed 08/23/11 set this matter for hearing on 10/17/11.

Minute Order from 10/17/11 hearing continued this matter to 10/26/11.

Minute Order from 10/26/11 continued this matter to 11/02/11.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 11/02/11

1. Need Inventory & Appraisal.

Reviewed by: JF

Reviewed on: 11/30/11

Updates:

Recommendation:

File 7A - Eaton

Age: 81 DOB: 05/28/30		CAROL LOPEZ, Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 11/02/11	
				As of 11/30/11 the following issues remain:	
		Sale Price - \$135,000.00		1. Need Inventory & Appraisal. (See page 22A)	
		Overbid - \$142,250.00		The sale price does not appear to meet the requirement that the sales price be within 90% of the appraised value (Probate Code §10309). Further, without an appraisal, the court is unable to determine if a reappraisal is necessary pursuant to Probate Code §10309.	
Cont. from 102611, 110211		Appraisal - \$165,000.00		<i>Note: The petition states that the property was appraised in the Estate of James R. Eaton matter and is included on an Inventory & Appraisal in that matter. However, no Inventory & Appraisal has been filed in this conservatorship matter, therefore the Court is unable to determine/verify the assets of the Conservatorship Estate, their value or the date that the assets were appraised.</i>	
Aff.Sub.Wit.		Reappraisal - Not Stated		Note:	
✓	Verified	Property - 40 Philip Ave. Clovis, CA 93612		The Petition states that the conservatee's 50% interest in the property to be sold is <u>not an asset of her conservatorship</u> , but is an asset of the James R. Eaton and Esther Eaton Living Trust and is being administered through the estate of the conservatee's husband in Tulare County. Since the residence is not an asset of the conservatorship estate, it appears that this Report of Sale and Petition for Order Confirming Sale of Real Property is not appropriate and/or necessary in this Conservatorship matter. The Court may require more information.	
	Inventory				
	PTC				
	Not.Cred.	Publication - Not Published (Will of deceased spouse authorizes sale)			
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.	Buyers - Fred A. Osterberg, as Trustee of the Fred A. Osterberg Survivor's Trust created under the Osterberg Family Living Trust under Declaration of Trust dated August 14, 1996.			
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections	Broker - None			
	Video Receipt	Bond - None			
	CI Report				
	9202				
✓	Order			Reviewed by: JF	
✓	Aff. Posting			Reviewed on: 11/30/11	
	Status Rpt			Updates:	
	UCCJEA			Recommendation:	
	Citation			File 7B - Eaton	
	FTB Notice				

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory Commissions (Prob. C. 10400-10406, 10954, 11600-11642)

DOD: 11/26/10		MAYNARD A. JONES and MICHAEL T. JONES , Co-Executors, are Petitioners.		NEEDS/PROBLEMS/COMMENTS:	
		Accounting is waived.		1. The Examiner calculates the remaining cash to be distributed to each of the decedent's 5 sons (after deductions for attorney's fees and closing reserve) to be \$34,802.92 instead of \$34,502.92 as stated in the Petition. Need revised Order.	
Cont. from		I & A - \$314,257.77			
	Aff.Sub.Wit.	POH - \$183,799.75			
✓	Verified	Executors - waive			
✓	Inventory	Attorney - \$9,285.15 (statutory)			
✓	PTC	Closing - \$500.00			
✓	Not.Cred.				
✓	Notice of Hrg	Distribution, pursuant to decedent's Will, is to:			
✓	Aff.Mail	w/o	Maynard A. Jones - \$34,502.92 cash, plus Roll Top desk, Sony 5 CD DVD Player, and 1/5 of any remaining residue of the estate		
	Aff.Pub.		Michael T. Jones - \$34,502.92 cash, plus Canon A80 digital camera, and 1/5 of any remaining residue of the estate		
	Sp.Ntc.		Gregory P. Jones - \$34,502.92 cash, plus Yamaha surround sound, HP 6350 Computer system, HP C200 digital camera, oak desk, small computer desk, 49er pullover jacket, and 1/5 of any remaining residue of the estate		
	Pers.Serv.		Timothy S. Jones - \$34,502.92 cash, plus 1/5 of any remaining residue of the estate		
	Conf. Screen		Eric J. Jones - \$34,502.92 cash, plus 1/5 of any remaining residue of the estate		
	Letters	04/13/11	Patrick G. Jones - HP 6465 Computer, monitor, printer, PC Cam, 3Com network hub & NICs, AIWA 3 pc speaker/subwoofer, AIWA stereo system & subwoofer, Daewoo DVD player		
	Duties/Supp		Matthew T. Jones - Giant mountain bike, HP 380 Office Jet		
	Objections		Toshiko Jones - Doll house		
	Video Receipt		Sandra Jones - Crystal vase		
	CI Report				
✓	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
✓	FTB Notice				

Reviewed by: JF
Reviewed on: 11/30/11
Updates:
Recommendation:
File 8 - Jones

Atty Gunner, Kevin D., sole practitioner (for Petitioner Lori J. Sharp, Executor)

(1) Waiver of Accounting and (2) Petition for Final Distribution Under Will and for (3) Allowance of Statutory Fees and Commissions (Prob. C. 11640, 10800, 10810)

DOD: 2/5/2011		LORI J. SHARP , spouse and Executor, is Petitioner. Accounting is waived. I & A - \$670,179.65 POH - \$650,196.91 (\$258,942.53 is cash) Executor (statutory) - \$16,526.66 Attorney (statutory) - \$16,526.66 Closing - \$2,000.00 Distribution pursuant to Decedent's Will is to: <ul style="list-style-type: none"> • Lori J. Sharp – automobiles; • Lori J. Sharp, as Successor Trustee of the JAMES M. SHARP AND LORI J. SHARP REVOCABLE LIVING TRUST AGREEMENT dated 12/2/2005 - real property, stock, and \$223,889.21 cash. 	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail W/O		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters 060211		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
		Reviewed by: LEG Reviewed on: 11/30/11 Updates: Recommendation: SUBMITTED File 9 - Sharp	

Atty Motsenbocker, Gary L., sole practitioner (for Petitioner Robert Sexton)

Petition for Relief for Breach of Trust; for Conversion of Trust Property; for Breach of Fiduciary Duty; for an Account of Trust Administration; for Removal of Trustee; and for Damages (Prob. C. 17200(b) et seq; 17211; 850 et seq; 16000-16006; 16040; 16060; 16063; 16400; 16420; and 16440 et seq)

Delores DOD: 1/18/2010		<p>ROBERT SEXTON, named Beneficiary of the SEXTON FAMILY TRUST dated 11/29/1990, as amended, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> ORVILLE DEAN SEXTON and DELORES A. SEXTON as Settlers and Trustees of the Trust created on 11/29/1990, jointly amended the Trust by a <i>First Amendment</i> dated 10/29/1996; a <i>Second Amendment</i> dated 4/19/2007; and by Orville alone in a document reference by him as <i>Agreement/Letter of Instruction (Third Amendment)</i> dated 3/1/2010 (<i>copies of Trust and amendments attached as Exhibits A, A1, A2, and A3</i>); After the death of Delores (DOD 1/18/2010), Orville became the sole Trustee, and pursuant to the terms of the Trust, the Trust was not divided into two trusts as provided by its terms; upon the death of Orville (DOD 5/5/2010), the Trust became irrevocable; JACQUELYN TROUT, daughter (Respondent), assumed the office of Successor Trustee after the death of Orville and has been acting as Successor Trustee since his death; Pursuant to the <i>Agreement/Letter of Instruction (Third Amendment)</i> dated 3/1/2010, Orville appointed GARY ROGERS as a Successor Co-Trustee of the Trust to implement distribution; The Successor Trustee owed a fiduciary duty to the Petitioner, had a duty to exercise the utmost care, integrity, honesty and loyalty in her dealings with the Trust and the interest of the beneficiaries; The Successor Trustee deposited Trust funds into her personal account; she took possession of personal property belonging to the Trust, and the proceeds from the sale of personal property assets belonging to the Trust, and she converted them to her own use, all of which accrued to the detriment of the Petitioner; <p><i>~Please see additional page~</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Orville DOD: 5/5/2010				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
✓	Summons			
	Sp.Ntc.			
✓	Pers.Serv.			W/
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: LEG

Reviewed on: 11/30/11

Updates:

Recommendation:

File 10 - Sexton

Petitioner states, continued:

- The Successor Trustee knew or should have known that her acts would accrue to the detriment of the Petitioner's interest in the Trust estate, and that she did all of these acts in patent "bad faith" with the intent of depriving Petitioner of his fair share of the Trust estate;
- Petitioner requests the Court should suspend her powers as Successor Trustee and order her removal as the Successor Trustee of the Trust for breach of trust and for her wrongful and unlawful conduct;
- The Successor Trustee has not rendered an account after one year as required by the Probate Code; she has not provided information to the Petitioner upon his reasonable request as to information in regard to the assets belonging in the Trust; she has provided inaccurate, incomplete and/or incorrect information to the Petitioner in regard to the Trust;
- Petitioner requests the Court order the Successor Trustee to render a detailed account of her administration of the Trust commencing on 5/5/2010 to the present and to cause a copy of the accounting to be delivered to the Petitioner and his attorney within 90 days of the initial hearing on this matter;
- The Successor Trustee owed the Petitioner a duty to act in scrupulous good faith and with absolute candor; she breached her fiduciary duty to the Petitioner by failing to control and preserve the Trust property, by failing to deal impartially with the assets of the Trust; by failing to administer the Trust in the interest of the beneficiaries; by failing to keep the beneficiaries reasonably informed; by failing to keep Trust property separate from non-trust property; by converting trust property to her own use and enjoyment; and by failure to maintain the cash in the Trust in interest-bearing accounts;
- The Successor Trustee should be ordered to respond in damages for each and every breach of trust and wrongful act;
- The Successor Trustee has repeatedly breached her fiduciary duty of loyalty and impartiality to the Petitioner as a Trust beneficiary; the breaches accrued to the specific and special detriment of the Petitioner; the Successor Trustee personally benefited from her acts and course of conduct; she concealed her activities from the Petitioner, and her entire course of conduct and actions in the matter constitute "bad faith" per se; her conduct and actions with Petitioner were outrageous and they constitute acts of oppression, fraud and malice;
- The Successor Trustee should be ordered to pay exemplary damages for her wrongful conduct, or in the alternative, she should be ordered to pay as damages an equal amount to double the value of all property taken, concealed and/or disposed of by the Successor Trustee in bad faith, according to proof;
- The Successor Trustee's acts constitute breach of trust, she engaged in self-dealing, she failed to deal impartially with the interest of beneficiaries, she failed to keep the Trust property separate from other property; she breached the duty of loyalty, and all of her acts and actions were patently unfair and prejudicial to the interest of the Petitioner in the Trust estate; the Successor Trustee failed to observe the directions and intent of the Settlor as expressed in the Trust; Petitioner contends that as to all acts of Successor Trustee in regard to the Trust, she did them with intent to deprive Petitioner of his rightful share of the Trust estate and in "bad faith;"
- Petitioner is entitled to damages with interest as provided in the Probate Code for all breaches of Trust, or in the alternative, the Successor Trustee should be ordered to pay as damages an amount equal to double the value of all property taken, concealed and/or disposed of by the Successor Trustee in "bad faith," according to proof;

~Please see additional page~

Petitioner states, continued:

- The Successor Trustee concealed and transferred property to herself while she held a fiduciary relationship in regard to the Petitioner; she made gifts of money and property to herself and others in contravention to the provisions of the Trust; all such transactions and/or transfers were in violation of her fiduciary duties as Successor Trustee and they should be adjudged voided and set aside and the asset or value of the assets and/or transactions and/or transfers should be surcharge against the Successor Trustee;
- The Successor Trustee has acted in all matters concerning the Petitioner with oppression, fraud and malice toward the Petitioner, and he is entitled to exemplary damages, or in the alternative, an amount equal to double the value of all property taken, concealed and/or disposed of by the Successor Trustee in “bad faith,” according to proof.

Petitioner requests:

1. The Court remove Jacquelyn Trout as Successor Trustee for cause;
2. The Court order the Successor Trustee to render a detailed and correct account for all property held by her from the Decedent’s date of death;
3. The Court order the Successor Trustee to account for all property and funds administered, expended and/or distributed on behalf of the Decedent;
4. The Court award damages against the Successor Trustee for all property unaccounted for or missing, together with interest at the legal rate per annum from the date of the breach of trust;
5. The Court award damages to Petitioner, together with interest at the legal rate per annum from the date of each and every breach of trust according to proof;
6. The Court award damages for each and every breach of trust according to proof;
7. In the alternative, the Court award damages in an amount equal to double the value of the property taken, concealed and/or disposed of by the Successor Trustee “in bad faith” according to proof;
8. The Court order a constructive trust on the assets of the Trust and/or the Successor Trustee for such sums that the Court determines to be due the Petitioner; and
9. The Court award attorney’s fees provided for in the law and costs of suit incurred herein.

DOD: 05/26/11		<p>ESTHER GARCIA, surviving registered domestic partner, is Petitioner.</p> <p>A Petition to Determine Succession has also been filed (See page 12).</p> <p>Decedent died intestate.</p> <p>Petitioner states that she is the surviving registered domestic partner of the decedent. The decedent owned property in Fresno county that was her sole and separate property. The decedent is not survived by any issue and her parents are both deceased. She is survived by one brother, Robert J. Alves. Pursuant to Probate Code § 6401(c)(2)(b), Petitioner is entitled to ½ of the estate.</p> <p>Petitioner requests Court confirmation that ½ interest in real property located at 2052 E. Cromwell pass to her pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>A Petition to Determine Succession has also been filed (See page 12).</p> <ol style="list-style-type: none"> 1. Need Order. 2. The Petition is marked at item 12(c) indicating that no other proceeding has been filed; however, a Petition to Determine Succession seeking to administer the same real property was filed concurrently with this petition. 		
Cont. from					
	Aff.Sub.Wit.				
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	Inventory				
	PTC				
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✓	Notice of Hrg				
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			Reviewed by: JF		
			Reviewed on: 11/30/11		
			Updates:		
			Recommendation:		
			File 11 - Alves		

DOD: 05/26/11		ROBERT J. ALVES , brother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: A Spousal Property Petition has also been filed in this estate (See Page 11). 1. The Petition does not state the decedent's ownership interest (100%, 50%, etc.) in the real property seeking to be passed with this Petition. Further, 2. The Inventory & Appraisal is unclear as to how much of the property the decedent owned. Attachment 2 to the Inventory & Appraisal states that the appraisal is for a 50% interest in real property located at 2052 E. Cromwell, Fresno and states that 50% of the property is valued at \$95,000.00. <i>It is noted that the related Spousal Property Petition seeks to pass 50% of the property to the decedent's Registered Domestic Partner, therefore it appears that the decedent owned a 100% interest in the property. Need Clarification and/or amended I & A.</i> 3. This summary proceeding for the administration of the estate does not appear to be statutorily possible due to the following: - Probate Code § 13151 states that this summary administration may only be used if the gross value of the decedent's property does not exceed \$100,000.00. It appears that the decedent's property, at 100%, is valued at \$190,000.00. - Probate Code § 13150 states that this procedure may only be used if no other proceeding is being conducted or has been conducted for the decedent's estate or the Personal representative of the estate consents to the procedure. A Spousal Property Petition was filed concurrently with this petition, therefore there is more than one proceeding for the administration of this estate. <i>Need authority allowing this procedure as presented.</i>
		A Spousal Property Petition has also been filed in this estate (See Page 11).	
Cont. from		40 days since DOD.	
	Aff.Sub.Wit.	I & A - \$190,000 @ 100%	
	Verified	\$95,000 @ 50%	
	Inventory	Decedent died intestate.	
	PTC	Petitioner requests Court	
	Not.Cred.	determination that ½ of	
✓	Notice of Hrg	decedent's interest in real property	
✓	Aff.Mail	located at 2052 E. Cromwell,	
	Aff.Pub.	Fresno, CA pass to him pursuant	
	Sp.Ntc.	to intestate succession.	
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 11/30/11	
		Updates:	
		Recommendation:	
		File 12 - Alves	

**AMENDED Report of Waiver of Accounting and Petition for Allowance of
Reimbursement to Executor and for Final Distribution**

DOD: 05/26/08		MATHEW OWENS , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from 101211			
	Aff.Sub.Wit.	I & A - \$181,576.00	<u>CONTINUED FROM 10/12/11</u> <u>Note:</u> Notice was given to the Franchise Tax Board ("FTB") on 08/01/11 and their timeframe for filing a claim will elapse on 12/01/11. As of 11/30/11, nothing new has been filed in this matter.
✓	Verified	POH - \$181,456.57 (\$16,456.57 is cash)	
✓	Inventory		
✓	PTC		
✓	Not.Cred.	Executor - waives	
✓	Notice of Hrg	Attorney - waives	
✓	Aff.Mail		
	Aff.Pub.	Expenses - \$4,732.31 (to be reimbursed to the personal representative for Probate Referee, certified copies, and funeral expenses)	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	05/06/09	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

Petition for Visitation

Age: 10 years DOB: 9/25/01		<p>TARA BUIK, mother, is petitioner.</p> <p>LYNDA LOCKWOOD, maternal grandmother, was appointed as guardian on 11/3/03.</p> <p>Father: LOUIE RENOBATO</p> <p>Paternal grandfather: Fivenico Renobato Paternal grandmother: Mary Lou Renabato Maternal grandfather: No information.</p> <p>Petitioner states at the time the guardianship was established she was in complete agreement. Petitioner states at that time she was not in a position to take care of Arianna and be the mother she deserved. Petitioner states she appreciates her mother and the court providing her with the opportunity to straighten up her life. Since the guardianship was established Petitioner states she has relinquished her old ways and has been sober for years.</p> <p>Petitioner requests the Court modify the visitation schedule as follows:</p> <p>Pick up Arianna on Friday after school through Sunday at 9 p.m.</p> <p>Petitioner states she would also like to have education rights in the Court order. Petitioner states she spoke to the principal of Arianna's school and the principal stated she needed it specified in the Court order that she may pick up Adrianna from school as mutually agreed upon by both parties.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner's Fee Waiver was denied on 10/11/11. Therefore a filing fee of \$40.00 is now due.</p> <p>2. Notice was mailed to the Guardian, Lynda Lockwood but not to her attorney Nancy Stegall. California Rules of Court, Rule 7.51(b).</p>	
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	Video Receipt			
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	UCCJEA			
	Citation			
	FTB Notice			

Visitation Order of 3/24/11:

The Court modified the visitation order of 3/26/09 to reflect that visits are to be from 9:00 a.m. to 5:00 p.m. on Saturday and Sundays with alternating weekends. In addition there is to be a mid-week visit at the home. Pick up and drop off of the minor at school is to be determined by the parties. All prior orders remain in full force and effect.

Visitation Order of March 26, 2009:

The mother and the minor shall attend conjoint counseling with the child's therapist.

Tara Buik, the mother, shall have unsupervised visitation with the minor child every other Saturday from 1:00 p.m. to 5:00 p.m. During said visitation, the mother's boyfriend shall not be present for any reason nor for any period of time. Unsupervised visitation shall not take place at Tara Buik's home.

Tara Buik, the mother, shall have supervised visitation every Sunday from 10:00 a.m. to 4:00 p.m. Said visitation shall be supervised by the Guardian, Lynda Lockwood. *(Modified by Minute order dated 3/15/10 Sunday visits take place at Child Supportive Services)*

Additional visits shall occur as mutually agreed up by Tara Buik and Lynda Lockwood.

Tara Buik shall have unsupervised visitation on the following holidays:

Easter Sunday, from 2:00 p.m. to 6:00 p.m.

Thanksgiving Day, from 3:00 p.m. to 7:00 p.m.

Christmas Day, from 10:00 a.m. to 2:00 p.m.

The Child's birthday, from 4:00 p.m. to 7:00 p.m.

Any other holidays as mutually agreed by the parent and guardian.

The mother shall pick the child up for visitation from the guardian's home and the guardian shall pick the child up from the mother when visitation ends, unless otherwise mutually agreed by the mother and the guardian.

Probate Status Hearing Re: Filing of the Inventory and Appraisal

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>DOD: 08/07/10</td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td>Cont. from 030911</td></tr> <tr><td><input type="checkbox"/> Aff.Sub.Wit.</td></tr> <tr><td><input type="checkbox"/> Verified</td></tr> <tr><td><input checked="" type="checkbox"/> Inventory</td></tr> <tr><td><input type="checkbox"/> PTC</td></tr> <tr><td><input type="checkbox"/> Not.Cred.</td></tr> <tr><td><input type="checkbox"/> Notice of Hrg</td></tr> <tr><td><input type="checkbox"/> Aff.Mail</td></tr> <tr><td><input type="checkbox"/> Aff.Pub.</td></tr> <tr><td><input type="checkbox"/> Sp.Ntc.</td></tr> <tr><td><input type="checkbox"/> Pers.Serv.</td></tr> <tr><td><input type="checkbox"/> Conf. Screen</td></tr> <tr><td><input type="checkbox"/> Letters</td></tr> <tr><td><input type="checkbox"/> Duties/Supp</td></tr> <tr><td><input type="checkbox"/> Objections</td></tr> <tr><td><input type="checkbox"/> Video Receipt</td></tr> <tr><td><input type="checkbox"/> CI Report</td></tr> <tr><td><input type="checkbox"/> 9202</td></tr> <tr><td><input type="checkbox"/> Order</td></tr> <tr><td><input type="checkbox"/> Aff. Posting</td></tr> <tr><td><input type="checkbox"/> Status Rpt</td></tr> <tr><td><input type="checkbox"/> UCCJEA</td></tr> <tr><td><input type="checkbox"/> Citation</td></tr> <tr><td><input type="checkbox"/> FTB Notice</td></tr> </table>	DOD: 08/07/10					Cont. from 030911	<input type="checkbox"/> Aff.Sub.Wit.	<input type="checkbox"/> Verified	<input checked="" type="checkbox"/> Inventory	<input type="checkbox"/> PTC	<input type="checkbox"/> Not.Cred.	<input type="checkbox"/> Notice of Hrg	<input type="checkbox"/> Aff.Mail	<input type="checkbox"/> Aff.Pub.	<input type="checkbox"/> Sp.Ntc.	<input type="checkbox"/> Pers.Serv.	<input type="checkbox"/> Conf. Screen	<input type="checkbox"/> Letters	<input type="checkbox"/> Duties/Supp	<input type="checkbox"/> Objections	<input type="checkbox"/> Video Receipt	<input type="checkbox"/> CI Report	<input type="checkbox"/> 9202	<input type="checkbox"/> Order	<input type="checkbox"/> Aff. Posting	<input type="checkbox"/> Status Rpt	<input type="checkbox"/> UCCJEA	<input type="checkbox"/> Citation	<input type="checkbox"/> FTB Notice	<p>PATRICK MCLEMORE, step-son, was appointed Administrator of the Estate and Letters were issued on 10/13/10.</p> <p>Minute Order from 10/13/10 set Status Hearing for status Filing of the Inventory and Appraisal on 03/09/11.</p> <p>Final Inventory & Appraisal was filed 03/01/11 in the amount of \$145,000.00 as follows:</p> <table style="margin-left: 20px;"> <tr><td>Real Property</td><td style="text-align: right;">- \$125,000.00</td></tr> <tr><td>Vehicle</td><td style="text-align: right;">- 18,000.00</td></tr> <tr><td>Bank Account</td><td style="text-align: right;">- 2,000.00</td></tr> <tr><td>Total</td><td style="text-align: right;">- \$145,000.00</td></tr> </table> <p>The filing of the First Account (deadline) is scheduled for 12/07/11.</p>	Real Property	- \$125,000.00	Vehicle	- 18,000.00	Bank Account	- 2,000.00	Total	- \$145,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u> I & A filed 03/01/11</p> <p>Minute Order from 03/09/11 states: Parties not appearing. Matter set on 12/07/11 for the First Accounting. The Court directs that a copy of the minute order be sent to Patrick McLemore.</p> <p>SEE PAGE 15B FOR STATUS HEARING RE FIRST ACCOUNTING.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 20px;"> <tr><td>Reviewed by: JF</td></tr> <tr><td>Reviewed date: 11/30/11</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>Updates:</td></tr> <tr><td>File 15A - McLemore</td></tr> </table>	Reviewed by: JF	Reviewed date: 11/30/11	Recommendation:	Updates:	File 15A - McLemore
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File 15A - McLemore																																												

DOD: 08/07/10		PATRICK MCLEMORE , step-son, was appointed Administrator of the Estate and Letters were issued on 10/13/10. Minute Order dated 03/09/11 set this matter for status regarding filing of the First Accounting on 12/07/11. Clerk's Certificate of Mailing filed 03/11/11 shows that a copy of the 03/09/11 Minute Order was mailed to Patrick McLemore.	NEEDS/PROBLEMS/COMMENTS: 1. Need First Account and/or First Account and Petition for Final Distribution.
Cont. from			
Aff.Sub.Wit.			
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UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF Reviewed on: 11/30/11 Updates: Recommendation: File 15B - McLemore	

15B

Report of Sale and Petition for Order Confirming Sale of Real Property (Prob. C. 2540, 10308)

DOD: 3-20-10		<p>SANDRA B. DEMEO, Administrator with Limited IAEA without bond, is Petitioner.</p> <p>Sale price: \$53,500.00 Overbid: \$56,675.00</p> <p>Reappraisal: \$55,000.00</p> <p>Property: 2835 E. Austin, Fresno 93726</p> <p>Publication: Fresno Business Journal</p> <p>Buyer: Pacific Regional Properties, L.P.</p> <p>Broker: \$2,675.00 (5%) Century 21 / Keller Williams Westland Realty</p> <p>Petitioner states the property has been marketed with licensed real estate broker and listed on the MLS. Several showings have been conducted. Three offers were received and reviewed and the offer before the Court is the best offer received. Sale is cash, as is.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order.</p> <p>2. The Court may require that the Administrator post bond for the amount of the proceeds, or deposit into blocked account.</p> <p>If account is to be blocked, need Order to Deposit Money into Blocked Account (MC-355).</p> <p>(Per the Inventory and Appraisal filed 10-21-11, the real property is the only asset of the estate.)</p>	
	Aff.Sub.Wit.			
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	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 11-30-11</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 - Graham</p>	

Age: 8 months DOB: 03/21/11		<p align="center"><u>NO TEMPORARY IN PLACE; TEMPORARY DENIED ON 10/19/11</u></p> <p>DAWN YVETTE LEMONS, maternal grandmother, is Petitioner.</p> <p>Father: MICHAEL JOHNSON – <i>personally served 10/10/11.</i></p> <p>Mother: BRITTANY WOOD</p> <p>Paternal grandfather: DECEASED Paternal grandmother: LINDA DEAN</p> <p>Maternal grandfather: KIP WOOD</p> <p>Siblings: Lisa Johnson, Sherrie Johnson</p> <p>Petitioner states the mother is homeless and living with whomever will let her stay with them. The minor lived with the Petitioner until 09/02/11 when her father removed her from Petitioners home. The child is now living with the father in an apartment with 8-9 other people including a parolee. Petitioner states that the father has two arrest warrants pending and is at risk of being taken into custody. Petitioner states that she can provide a safe, clean & loving environment for the child.</p> <p>Court Investigator Charlotte Bien's report was filed 11/28/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Guardianship</i> <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Brittany Wood (mother) 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Guardianship</i> <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Linda Dean (paternal grandmother) - Kip Wood (maternal grandfather) 3. Need <i>Duties of Guardian</i>. 	
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Reviewed by: JF
Reviewed on: 11/30/11
Updates:
Recommendation:
File 17 - Wood

DOD: 06/26/09		<p>HOPE KALBAUGH, daughter, was appointed as Executor of the Estate and Letters were issued on 08/11/09.</p> <p>Minute Order dated 07/20/11 for status on the estate states that the property is in escrow. Matter continued to 10/19/11 to monitor the progress of the sale of the property.</p> <p>Minute Order dated 10/19/11 for status on the estate states that the property has been sold but there were some problems with the purchaser. Counsel advised that escrow should have closed last week. The Court set the matter for a Status Hearing re: Filing the Petition for Final Distribution on 11/23/11. If the Petition is filed by 11/23/11, the status hearing will be taken off calendar.</p> <p>Minute Order dated 11/23/11 states: Mr. Coleman advises the court that the real estate has closed. He stated he will file a petition for final distribution next week. Matter set for 12/07/11 for status of filing of the Petition for Final Distribution. The matter can be taken off calendar if the Petition is filed before then.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Petition for Final Distribution or current status report.</p>
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		<p>Reviewed by: JF</p> <p>Reviewed on: 11/30/11</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 - Miller</p>	